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thorities are in conflict. Some authorities hold that the same rule applies to this case that applies to the case where the larceny was in one county and the indictment in another, both counties being in the same state. *State v. Bartlett*, 11 Vt. 650; *Worthington v. State*, 58 Md. 403, 42 Am. Rep. 388; 1 BISHOP, CRIM. LAW, 8 ed., 76. Other cases hold that the accused can be indicted only in the state in which the crime was committed. *People v. Schenck*, 2 Johns. (N. Y.) 479; *Lee v. State*, 64 Ga. 203, 37 Am. Rep. 67; *Strouther v. Cone*, 92 Va. 789, 22 S. E. 852. A distinction has sometimes been made when the property was stolen in one state and carried into another, and when it was stolen in a foreign country and brought into one of the states. Thus it was held that one who stole goods in a foreign country and brought them into Massachusetts was not guilty of larceny there. *Commonwealth v. Uprichard*, 3 Gray (Mass.) 434, 63 Am. Dec. 762. But there is authority to the contrary. *People v. Burk*, 11 Wend. (N. Y.) 129.

In the case where larceny is committed in one state and the goods are taken into another the weight of authority seems to support the principal case, but there is much conflict and the better rule would seem to be to deny the courts of the state into which the goods have been taken the right to punish the thief, because he is certainly guilty and liable to punishment in the state in which he committed the larceny, and it seems unjust to follow a rule by which a single crime may be punished twice. The rule against double jeopardy which prevents more than one punishment in the same state does not apply as between two states. MINOR, CONFL. LAWS, 503.

EMINENT DOMAIN—DE FACTO CORPORATIONS.—The state applied for an injunction to stay condemnation proceedings on the ground that the defendant was not a corporation *de jure*. Held, a *de facto* corporate existence is sufficient to give the right of eminent domain. *Roaring Springs Townsite Co. v. Paducah Telephone Co.* (Tex.), 164 S. W. 50.

This is the rule adopted by the majority of the courts. *Oregon, etc., R. R. Co. v. Postal Tel. Co.*, 49 C. C. A. 663, 111 Fed. 842; *Central Ry. Co. v. Union Springs Ry. Co.*, 144 Ala. 639, 39 So. 473. But as the power to exercise the right of eminent domain must be expressly given by legislative authority, if the enabling statute gives the right only to legally incorporated corporations, then a *de jure* existence is essential in order to exercise the right. See MORAWETZ, PRIV. CORP., § 768. Total lack of corporate existence can be shown as a defense to eminent domain proceedings. *Atkinson v. Marietta R. R. Co.*, 15 Ohio St. 21; *Kingston R. R. Co. v. Stroud*, 132 N. C. 413, 43 S. E. 913. But a failure to perform a condition subsequent cannot be shown in defense by the owner of the land to be condemned, since the corporate existence continues until destroyed by the state in direct proceedings. *Briggs v. Cape Cod Co.*, 137 Mass. 71; *Cluthe v. Evansville, etc., Ry. Co.*, 176 Ind. 162, 95 N. E. 543. *Contra*, where nonperformance of the condition destroys the corporate existence *ex proprio vigore*. *Re Brooklyn, etc., Co.*, 125 N. Y. 434 (*dictum*). It has been held that the expiration of the corporate charter cannot be shown collaterally, thus relegating the applicant for

relief to his right to compel the state by mandamus to test that question in *quo warranto* proceedings. *People v. Wayman* (Ill.), 99 N. E. 941. This seems incorrect as after its charter has expired there is no longer even a corporation *de facto*.

**EVIDENCE—PROOF OF FOREIGN LAW.**—An action was brought to recover damages for personal injuries, the plaintiff basing his right to recover on a statute of another state. *Held*, the statute must be pleaded and proved. *Atlantic Coast Line Ry. Co. v. Barton* (Ga.), 80 S. E. 530.

As to causes of action arising in one of the thirteen original states, in the absence of evidence to the contrary, it is universally presumed that the common law is applicable and that the foreign law is the same as the common law existing in the forum. *Dunn v. Adams*, 1 Ala. 527, 35 Am. Dec. 42; *Mountain Lake Land Co. v. Blair*, 109 Va. 147, 63 S. E. 751.

But where the cause of action is based on a foreign statute, the weight of authority is that such foreign statute must be pleaded and proved. *Schultz v. Howard*, 63 Minn. 196, 56 Am. St. Rep. 470; *Union Cent. L. Ins. Co. v. Pollard*, 94 Va. 146, 26 S. E. 421, 64 Am. St. Rep. 715, 36 L. R. A. 271.

Because of the tendency towards uniformity in the statute laws of the various states, the courts now lean towards the presumption that the statutory law of the foreign state is the same as that of the forum. *Sheppard v. Coeur D'Alene Lumber Co.*, 62 Wash. 12, 112 Pac. 932; *W. Union Tel. Co. v. Crawford*, 29 Okla. 143, 116 Pac. 925, 35 L. R. A. (N. S.) 930; *Van Buskirk v. Kuhns*, 164 Cal. 472, 129 Pac. 587. Under this view either party to the action may show that the proper law is different from the *lex fori*, and thus any injustice is prevented.

**EXECUTORS AND ADMINISTRATORS—SITUS FOR ADMINISTRATION—CORPORATE STOCK.**—Decedent died domiciled in Missouri leaving shares of stock in a Kansas corporation. His Kansas creditors applied in that state for letters of administration founded on the ownership by the deceased of stock in the Kansas corporation. *Held*, the situs of the stock for the purpose of founding administration is in Missouri under the maxim *mobilia personam sequuntur*. Application denied. *Miller's Estate v. Executrix of Miller's Estate* (Kan.), 136 Pac. 255. See NOTES, p. 553.

**INTOXICATING LIQUORS—SALE BY SOCIAL CLUB.**—Members of a *bona fide* social club contributed a fund for the purchase of a stock of intoxicating liquors, appointing an agent to purchase and dispense the same. Each member could secure liquor in any quantity desired for his own use or that of an invited guest in exchange for coupons obtained from the agent of the club upon payment of an amount of money equal to the value of the liquor desired. The money so paid was expended by the agent to replenish the stock. The defendant, an agent of the club to purchase and dispense liquors, was indicted under a statute prohibiting the sale of intoxicants. *Held*, the defendant is guilty. *Deal v. State* (Ga.), 80 S. E. 537. See NOTES, p. 547.